

ASSEMBLY BILL

No. 206

Introduced by Assembly Member Richman

January 28, 2003

An act to add Division 112 (commencing with Section 130500) to the Health and Safety Code, relating to public health, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 206, as introduced, Richman. Emergency Health Powers Act.

Existing law makes various provisions for the prevention of disease and the promotion of health, and imposes various requirements on the State Department of Health Services in this regard.

This bill would enact the Emergency Health Powers Act. The bill would require the Governor to appoint a Public Health Emergency Planning Commission with a specified membership that would be required to submit to the Governor a designated public health emergency plan and report annually to the Legislature on the status of the plan.

The bill would designate the State Department of Health Services, a local health officer who has principal responsibility to protect the public's health in a city, county, or city and county, and any person designated by the department or the local health officer, as public health authorities for purposes of the act, and would require a public health authority to ascertain the existence of cases of any illness or health condition that may be the cause of a public health emergency, as defined, and to report, at least weekly, certain information to the Director of Health Services.

This bill would require health care providers, coroners, medical examiners, pharmacists, and veterinarians and other persons who care for animals to report certain information to the health authority. The bill would require a public health authority and any public safety authority, as defined, to share certain necessary information.

By imposing new duties on local public health authorities, coroners, medical examiners, and local law enforcement agencies, the bill would impose a state-mandated local program.

Existing law authorizes the Governor to declare a state of emergency upon conditions of disaster or of extreme peril to the safety of persons and property due to air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, or earthquake or volcanic prediction warning, with certain exceptions, which conditions by their magnitude are beyond or likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city, or city and county.

Existing law grants to the Governor certain emergency powers during a state of emergency, including the authority to commandeer or utilize private property or personnel, for which the state is required to pay the reasonable value. Under existing law, a state of emergency may be terminated by proclamation of the Governor or by concurrent resolution of the Legislature.

This bill would authorize the Governor to declare a state of public health emergency if the Governor finds an occurrence or imminent threat of an illness or health condition that may be the cause of a public health emergency.

The bill would grant to the Governor certain powers during a state of public health emergency. The bill would prescribe the conditions for the termination of a state of public health emergency. The bill would provide that the declaration of a state of public health emergency shall activate the disaster response and recovery aspects of state, local, and interjurisdictional disaster emergency plans in affected areas.

The bill would make the director responsible for coordinating all matters pertaining to the public health emergency response of the state during a state of public health emergency. The bill would require a public health authority to disseminate specific information to the public regarding a declared state of public health emergency.

The bill would authorize any public health authority, during a state of public health emergency, to close, compel the evacuation of, and decontaminate facilities, decontaminate or destroy materials, use and



control facilities, materials, roads, and public areas, regulate the disposal of infectious waste and human remains, and purchase and regulate the distribution of certain pharmaceutical agents or medical supplies.

The bill would require, as a condition of licensure or the authority to operate or continue to do business in the state, businesses and facilities dealing with infectious waste and human remains to provide or perform services or provide the use of facilities to respond to a public health emergency.

The bill would authorize, during a state of public health emergency, any public health authority or local health officer to perform medical examinations and testing, and any public health authority to vaccinate and treat individuals for, communicable disease. The bill would also authorize, during a state of public health emergency, a public health authority to isolate or quarantine an individual or group of individuals and would prescribe requirements applicable to isolation and quarantine proceedings, including the appointment of counsel at the state's expense to represent certain individuals subject to isolation or quarantine proceedings. The bill would make it a misdemeanor for a person to fail to comply with the bill's provisions and the rules, regulations, and orders of an authority concerning isolation and quarantine. Because the bill would create new crimes, it would impose a state-mandated local program.

The bill would authorize the department, during a state of public health emergency, to collect specimens and perform tests on any deceased person or living or deceased animal, and acquire previously collected specimens and test results. The bill would authorize the department, during a state of public health emergency, to appoint health personnel and to authorize medical examiners and coroners to appoint assistants.

This bill would authorize the Governor to transfer, from any available fund, sums as necessary to meet a state of public health emergency, thereby making an appropriation. The bill would impose restrictions on the expenses incurred by the state during a state of public health emergency. The bill would provide various immunities from civil liability during a state of public health emergency.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund



to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act may be cited and shall be known as the
2 “Emergency Health Powers Act.”

3 SEC. 2. (a) The Legislature finds and declares all of the
4 following:

5 (1) The government must do more to protect the health, safety,
6 and general well being of our citizens.

7 (2) New and emerging dangers, including emergent and
8 resurgent infectious diseases and incidents of civilian mass
9 casualties, pose serious and immediate threats.

10 (3) A renewed focus on the prevention, detection,
11 management, and containment of public health emergencies is
12 needed.

13 (4) Emergency health threats, including those caused by
14 bioterrorism, may require the exercise of extraordinary
15 government powers and functions.

16 (5) The state must have the ability to respond rapidly and
17 effectively to potential or actual public health emergencies.

18 (6) The exercise of any emergency health powers must
19 promote the common good.

20 (7) Emergency health powers must be grounded in a thorough
21 scientific understanding of public health threats and disease
22 transmission.

23 (8) Guided by principles of justice and antidiscrimination, it is
24 the duty of the state to act with fairness and tolerance towards
25 individuals and groups.



1 (9) The rights of people to liberty, bodily integrity, and privacy
2 must be respected to the fullest extent possible, consistent with
3 maintaining and preserving the public's health and security.

4 (10) This act is necessary to protect the health and safety of the
5 citizens of the state.

6 (b) The Legislature declares that the purposes of enacting this
7 act are as follows:

8 (1) To require the development of a comprehensive plan to
9 provide for a coordinated, appropriate response in the event of a
10 public health emergency.

11 (2) To authorize the reporting and collection of data and
12 records, the management of property, the protection of persons,
13 and access to communications.

14 (3) To facilitate the early detection of a health emergency and
15 allow for immediate investigation of the emergency by granting
16 access to individuals' health information under specified
17 circumstances.

18 (4) To grant state and local officials the authority to use and
19 appropriate property as necessary for the care, treatment,
20 vaccination, and housing of patients and to destroy contaminated
21 facilities or materials.

22 (5) To grant state and local officials the authority to provide
23 care, treatment, and vaccination to persons who are ill or who have
24 been exposed to communicable diseases, and to separate affected
25 individuals from the population at large to interrupt disease
26 transmission.

27 (6) To ensure that the needs of infected or exposed persons are
28 properly addressed to the fullest extent possible, given the primary
29 goal of controlling serious health threats.

30 (7) To provide state and local officials with the ability to
31 prevent, detect, manage, and contain emergency health threats
32 without unduly interfering with civil rights and liberties.

33 SEC. 3. Division 112 (commencing with Section 130500) is
34 added to the Health and Safety Code, to read:

35



1 DIVISION 112. EMERGENCY HEALTH POWERS ACT

2
3 PART 1. GENERAL PROVISIONS4
5 CHAPTER 1. DEFINITIONS

6
7 130500. “Bioterrorism” means the intentional use of any
8 microorganism, virus, infectious substance, or biological product
9 that may be engineered as a result of biotechnology, or any
10 naturally occurring or bioengineered component of that
11 microorganism, virus, infectious substance, or biological product,
12 to cause death, disease, or other biological malfunction in a
13 human, an animal, a plant, or another living organism in order to
14 influence the conduct of government or to intimidate or coerce a
15 civilian population.

16 130502. (a) “Chain of custody” means the methodology of
17 tracking specimens for the purpose of maintaining control and
18 accountability from initial collection to final disposition of the
19 specimens and providing for accountability at each stage of
20 collecting, handling, testing, storing, and transporting the
21 specimens and reporting test results.

22 (b) “Communicable disease” means an illness due to a specific
23 infectious agent or its toxic products that arises through
24 transmission of that agent or its products from an infected person,
25 animal, or inanimate reservoir to a susceptible host, either directly
26 or indirectly through an intermediate plant or animal host,
27 intermediate vector, or the inanimate environment.

28 130503. “Department” means the State Department of
29 Health Services and “director” means the Director of Health
30 Services.

31 130507. (a) (1) “Health care facility” means any
32 nonfederal institution, building, or agency, or portion thereof,
33 whether public or private, or for-profit or nonprofit, that is used,
34 operated, or designed to provide health services, medical
35 treatment, or nursing, rehabilitative, or preventive care to any
36 person or persons. ‘Health care facility’ does not include an
37 institution, building, or agency used, operated, or maintained by
38 tribal authorities.

39 (2) For purposes of this subdivision, a health care facility
40 includes, but is not limited to, all of the following:

1 (A) A health facility licensed pursuant to Chapter 2
2 (commencing with Section 1250) of Division 2, including, but not
3 limited to, a hospital, skilled nursing facility, or intermediate care
4 facility.

5 (B) A clinic licensed pursuant to Chapter 1 (commencing with
6 Section 1200) of Division 2, including, but not limited to, an
7 ambulatory surgical facility, kidney treatment center, or
8 rehabilitation clinic.

9 (C) A home health agency licensed pursuant to Chapter 8
10 (commencing with Section 1725) of, or hospice licensed pursuant
11 to Chapter 8.5 (commencing with Section 1745) of, Division 2.

12 (D) A residential care facility licensed pursuant to Chapter 3.01
13 (commencing with Section 1568.01) of, or Chapter 3.2
14 (commencing with Section 1569) of, Division 2.

15 (E) An adult day care center licensed pursuant to Chapter 3.3
16 (commencing with Section 1570) of Division 2.

17 (F) A public health center or mental health center.

18 (3) “Health care facility” also includes property related to the
19 institutions, buildings, and agencies specified in paragraphs (1)
20 and (2) when used for or in connection with that institution,
21 building, or agency, and includes, but is not limited to, a
22 laboratory, research facility, pharmacy, laundry facility, health
23 personnel training and lodging facility, patient, guest, and health
24 personnel food service facility, and office and office building for
25 persons engaged in health care professions or services.

26 (b) “Health care provider” means any person or entity that
27 provides health care services including, but not limited to, a
28 hospital, medical clinic or office, special care facility, or medical
29 laboratory, any person who engages in acts that are the subject of
30 licensure or regulation under Division 2 (commencing with
31 Section 500) of the Business and Professions Code or under any
32 initiative act referred to in that division, including a physician and
33 surgeon, pharmacist, dentist, veterinarian, podiatrist, physician
34 assistant, or nurse practitioner, registered nurse, or other nurse, and
35 a paramedic, an emergency medical technician, an emergency
36 medical worker, an infection control practitioner, a medical
37 examiner, or a coroner.

38 130508. (a) “Infectious disease” means a disease caused by
39 a living organism or other pathogen, including a fungus, bacillus,
40 parasite, protozoan, or virus. An infectious disease may, or may

1 not, be transmissible from person to person, animal to person, or
2 insect to person.

3 (b) “Infectious waste” means biological waste, cultures and
4 stocks, pathological waste, and sharps, defined as follows:

5 (1) “Biological waste” means blood and blood products,
6 excretions, exudates, secretions, suctioning, and other body fluids,
7 and waste materials saturated with blood or body fluids.

8 (2) “Cultures and stocks” means etiologic agents and
9 associated biologicals, including, but not limited to, specimen
10 cultures, dishes and devices used to transfer, inoculate, and mix
11 cultures, wastes from production of biologicals and serums, and
12 discarded live and attenuated vaccines.

13 (3) “Pathological waste” means biopsy materials and all
14 human tissues, anatomical parts that emanate from surgery,
15 obstetrical procedures, necropsy or autopsy, and laboratory
16 procedures, and animal carcasses exposed to pathogens in
17 research, and the bedding and other waste from those animals.
18 “Pathological waste” does not include teeth or formaldehyde or
19 other preservative agents.

20 (4) “Sharps” means needles, intravenous tubing with needles
21 attached, scalpel blades, lancets, breakable glass tubes, and
22 syringes that have been removed from their original sterile
23 containers.

24 (c) “Isolation” means the physical separation, for the period of
25 communicability, of infected persons or animals from other
26 persons in a place and under conditions that prevent or limit the
27 direct or indirect transmission of the infectious agent to those who
28 are susceptible to infection or who may spread the agent to others.

29 130512. “Mental health support personnel” means, but is not
30 limited to, psychiatrists, psychologists, marriage, child, and
31 family counselors, social workers, and volunteer crisis counseling
32 groups.

33 130514. “Organized militia” means the California National
34 Guard, the army national guard, the air national guard, or any
35 military force organized under the laws of the state.

36 130515. (a) “Protected health information” means any
37 information, whether oral, written, electronic, visual, or any other
38 form, that relates to an individual’s past, present, or future physical
39 or mental health status, condition, treatment, service, products
40 purchased, or provision of care, and either reveals the identity of



1 the individual whose health care is the subject of the information
2 or with regard to which there is a reasonable basis to believe that
3 it could be utilized, either alone or with other information that is
4 or should be reasonably known to be available to predictable
5 recipients of the information, to reveal the identity of that
6 individual.

7 (b) “Public health authority” means the State Department of
8 Health Services, any local health officer as described in Section
9 120100 who is principally responsible for protecting and
10 preserving the public’s health in a city, county, or city and county,
11 and any person that is designated directly by the department or
12 local health officer to act on behalf of the department or
13 governmental agency for purposes of this act.

14 (c) (1) “Public health emergency” means an occurrence or
15 imminent threat of an illness or health condition that is both of the
16 following:

17 (A) Is believed to be caused by any of the following:

18 (i) Bioterrorism.

19 (ii) The appearance of a novel or previously controlled or
20 eradicated infectious agent or biological toxin.

21 (iii) A natural disaster.

22 (iv) A chemical attack or accidental release.

23 (v) A nuclear attack or accident.

24 (B) Poses a high probability of any of the following:

25 (i) A large number of deaths in the affected population.

26 (ii) A large number of serious or long-term disabilities in the
27 affected population.

28 (iii) The widespread exposure to an infectious or toxic agent
29 that poses a significant risk of substantial future harm to a large
30 number of people in the affected population.

31 (2) “Public health emergency” does not include an occurrence
32 or imminent threat of human immunodeficiency virus (HIV) that
33 satisfies the requirements of this subdivision.

34 (d) “Public safety authority” means the Department of the
35 California Highway Patrol and any local governmental agency
36 that acts principally to protect or preserve the public safety or any
37 person authorized to act on behalf of the Department of the
38 California Highway Patrol or the local governmental agency.

39 130516. “Quarantine” means the physical separation and
40 confinement of an individual or group of individuals who are or

1 may have been exposed to a communicable or possibly
2 communicable disease from nonquarantined individuals and who
3 do not show signs or symptoms of the communicable disease, to
4 prevent or limit the transmission of the disease to nonquarantined
5 individuals.

6 130518. “Specimens” includes, but is not limited to, blood,
7 sputum, urine, stool, and other bodily fluids, wastes, tissues, and
8 cultures necessary to perform required tests.

9 130519. (a) “Test” includes, but is not limited to, any
10 diagnostic or investigative analysis necessary to prevent the spread
11 of disease or protect the public’s health, safety, and welfare.

12 (b) “Trial court” means the trial court for the district in which
13 isolation or quarantine is to occur, a trial court designated by the
14 public health emergency plan under Chapter 2 (commencing with
15 Section 130530), or the trial court for the district in which a public
16 health emergency has been declared.

17
18 CHAPTER 2. PUBLIC HEALTH EMERGENCY PLANNING
19

20 130530. The Governor shall appoint a Public Health
21 Emergency Planning Commission, which shall consist of the
22 directors, or their designees, of any department or agency that the
23 Governor deems relevant to public health emergency
24 preparedness, and any other persons chosen by the Governor, and
25 representatives of the Legislature appointed by the Speaker of the
26 Assembly and the Senate Committee on Rules, who shall be ex
27 officio members. The Governor shall designate the chair of the
28 commission.

29 130532. (a) The Public Health Emergency Planning
30 Commission shall, within six months of its appointment, prepare
31 and deliver to the Governor the Public Health Emergency Plan for
32 responding to a public health emergency that includes provisions
33 or guidelines concerning all of the following:

34 (1) Notifying and communicating with the population during
35 a state of public health emergency in compliance with this act.

36 (2) Communicating with public health authorities, state
37 agencies, public safety authorities, health care providers, and
38 health care facilities.

1 (3) Central coordination of resources, personnel, and services,
2 including coordination of responses by state, local, tribal, and
3 federal agencies.

4 (4) Planning for the safety of public health and public safety
5 personnel, including for prevaccination and the provision of
6 protective equipment.

7 (5) The location, procurement, storage, transportation,
8 maintenance, and distribution of essential materials, including, but
9 not limited to, medical supplies, drugs, vaccines, food, shelter,
10 clothing, and beds.

11 (6) Compliance with the reporting requirements of Chapter 3
12 (commencing with Section 130540).

13 (7) The continued and effective operation of the judicial system
14 including, if deemed necessary, the identification and training of
15 attorneys licensed to practice law in the state to serve as emergency
16 judges regarding matters of isolation and quarantine as described
17 in this act.

18 (8) The method of evacuating populations and housing and
19 feeding the evacuated populations.

20 (9) The identification and training of health care providers to
21 diagnose and treat persons with communicable disease. This may
22 include the advance development of mutual aid and reciprocity
23 contracts with other states and the federal government.

24 (10) The vaccination of persons in compliance with this act.

25 (11) The treatment of persons who have been exposed to or who
26 are infected with diseases or health conditions that may be the
27 cause of a public health emergency.

28 (12) The safe disposal of infectious waste and human remains
29 in compliance with this act.

30 (13) The safe and effective control of persons isolated,
31 quarantined, vaccinated, tested, or treated during a state of public
32 health emergency.

33 (14) Tracking the source of outcomes of infected persons.

34 (15) Ensuring that each city and county identifies all of the
35 following:

36 (A) Sites where persons can be isolated or quarantined that
37 comply with the conditions and principles for isolation or
38 quarantine of this act.

39 (B) Sites where medical supplies, food, and other essentials can
40 be distributed to the population.

1 (C) Sites where public health and emergency workers can be
2 housed and fed.

3 (D) Routes and means of transportation of people and
4 materials.

5 (16) Cultural norms, values, religious principles, and traditions
6 that may be relevant.

7 (17) Other measures necessary to carry out the purposes of this
8 act.

9 (18) Maintaining an adequate public health infrastructure to
10 prepare and respond to a public health emergency.

11 (b) In carrying out the requirements of subdivision (a), the
12 commission shall seek the advice of organizations representing the
13 interests and concerns of those involved in responding to a public
14 health emergency, including, but not limited to, the California
15 Medical Association, the California Police Chiefs' Association,
16 the California Ambulance Association, the California Healthcare
17 Association, the California Chapter of the American College of
18 Emergency Physicians, the California Conference of Local Health
19 Officers, and the California Professional Firefighters Association.

20 130534. The commission shall distribute the Public Health
21 Emergency Plan to, and seek review and comments from, those
22 who will be responsible for the implementation of the plan,
23 interested persons, and the public.

24 130536. The commission shall review the Public Health
25 Emergency Plan annually. The commission shall report annually
26 to the Legislature on the status of the plan and the resources needed
27 to implement the plan.

28 CHAPTER 3. REPORTING

29
30
31 130540. (a) (1) A health care provider, who knows of, or is in
32 attendance on, a case or suspected case of any of the diseases or
33 conditions that may be a potential cause of a public health
34 emergency shall report, as required under Section 130544, to the
35 local health officer for the jurisdiction where the patient resides.

36 (2) If a health care provider is not in attendance, any individual
37 who has knowledge of a person who is suspected to be suffering
38 from one of the diseases or conditions that may be a potential cause
39 of a public health emergency may make a report to the local health
40 officer of the jurisdiction where the patient resides.

(3) Diseases or conditions that are reportable pursuant to paragraphs (1) and (2) include, but are not limited to, the diseases caused by the etiologic agents referred to in Section 2500 (j) of Title 17 of the California Code of Regulations as it read on the date the act adding this section was enacted and any diseases or health conditions identified by a public health authority.

(b) For purposes of this section, “health care provider” includes any out-of-state clinical laboratory that meets the requirements of Chapter 3 (commencing with Section 1200) of Division 2 of the Business and Professions Code that has agreed to the reporting requirements of this state. Notwithstanding the requirement under this section that an out-of-state medical laboratory report the results of its tests that reveal a reportable illness or health condition, an in-state medical laboratory that sends specimens to an out-of-state medical laboratory shall also be required to report those results pursuant to this section.

130542. A pharmacist shall report, when requested by the public health authority as required under Section 130544, any unusual or increased prescription rates, unusual type of prescription, or unusual trend in pharmacy visits that may indicate the existence of a potential cause of a public health emergency. Prescription-related events that require a report shall include, but are not limited to, all of the following:

(a) An unusual increase in the number of prescriptions or over-the-counter pharmaceuticals to treat conditions that the department identifies through regulations.

(b) An unusual increase in the number of prescriptions for antibiotics.

(c) Any prescription that is dispensed to treat a disease that is relatively uncommon or may be associated with bioterrorism.

130544. A report required by Section 130540 or 130542 shall be made in accordance with Section 2500 of Title 17 of the California Code of Regulations and in compliance with specific timelines and methods of reporting, as determined by the department. The report shall include as much of the following information as is available:

(a) The specific illness or health condition that is the subject of the report.

(b) The patient’s name, date of birth, sex, race, occupation, and current home and work addresses, including city and county.

(c) The name and address of the health care provider, coroner, or medical examiner and, if different, the reporting individual.

(d) Any other information needed to locate the patient for followup.

(e) For any case related to an animal or insect bite, information regarding the suspected location of the biting animal or insect, and the name and address of any known owner.

130546. Every veterinarian, livestock owner, veterinary diagnostic laboratory director, or other person who cares for animals shall report any animal that has or is suspected of having any disease that may be a potential cause of a public health emergency. The report shall be made to local public health authorities in accordance with Section 2500 of Title 17 of the California Code of Regulations and in compliance with specific timelines and methods of reporting, as determined by the department and shall include as much of the following information as is available:

(a) The specific illness or health condition that is the subject of the report.

(b) The suspected location of the animal or information that could assist in determining its location.

(c) The name and address of any known owner.

(d) The name and address of the reporting individual.

130547. Any public health authority, or its designee, may enforce this chapter.

CHAPTER 4. SURVEILLANCE

130550. (a) Public health authorities shall ascertain the existence of cases of an illness or health condition that may be a potential cause of a public health emergency, investigate all the cases for sources of infection and to ensure that they are subject to proper evaluation, treatment, and control measures, and define the distribution of the illness or health condition.

(b) Each local public health authority shall report, at least weekly, to the director the number of cases of those diseases, conditions, unusual diseases, or outbreaks of disease reported pursuant to Chapter 3 (commencing with Section 130540). The report shall include an individual case or outbreak report for each individual case or outbreak of those diseases that the department

1 has identified as requiring epidemiological analysis pursuant to
2 Section 2500 of Title 17 of the California Code of Regulations.

3 130552. (a) Acting on information developed in accordance
4 with Chapter 3 (commencing with Section 130540), or other
5 reliable information, a public health authority shall identify all
6 individuals thought to have been exposed to an illness or health
7 condition that may be a potential cause of a public health
8 emergency.

9 (b) A public health authority shall counsel and interview the
10 individuals identified pursuant to subdivision (a) as needed to
11 assist in the positive identification of exposed individuals. A
12 public health authority shall develop information relating to the
13 source and spread of the illness or health condition, including, but
14 not limited to, verification of information reported pursuant to
15 Section 130540, information on the probable source of the
16 infection or disease, laboratory or radiologic findings, clinical
17 signs, symptoms, or both, any known epidemiological risk factors,
18 and the name and address, including city and county, of any person
19 from whom the illness or health condition may have been
20 contracted and to whom the illness or health condition may have
21 been spread.

22 130554. A public health authority, when conducting an
23 investigation for purposes of this chapter, shall close, evacuate, or
24 decontaminate any facility or decontaminate or destroy any
25 material when the authority reasonably suspects that the facility or
26 material may endanger the public health.

27 130556. (a) Any state or local public health authority, or its
28 designee, may enforce this chapter.

29 (b) An order of a public health authority given to effectuate the
30 purposes of this chapter shall be enforceable immediately by a
31 public safety authority.

32
33 CHAPTER 5. INFORMATION SHARING
34

35 130560. Whenever a public safety authority or other state or
36 local governmental agency learns of a case of a reportable illness
37 or health condition, an unusual cluster, or a suspicious event that
38 may be the cause of a public health emergency, it shall
39 immediately notify the state and local public health authorities.

1 130562. Whenever a public health authority learns of a case
2 of a reportable illness or health condition, an unusual cluster, or a
3 suspicious event that it reasonably believes has the potential to be
4 caused by bioterrorism, it shall immediately notify the appropriate
5 public safety authority, tribal authorities, and federal health and
6 public safety authorities.

7 130564. The sharing of information reported pursuant to
8 Chapter 3 (commencing with Section 130540) on reportable
9 illnesses, health conditions, unusual clusters, or suspicious events
10 between public health and public safety authorities shall be
11 restricted to information necessary for the treatment, control,
12 investigation, and prevention of a public health emergency.

13
14 PART 2. DECLARING A STATE OF PUBLIC HEALTH
15 EMERGENCY

16
17 CHAPTER 1. DECLARATION
18

19 130570. A state of public health emergency may be declared
20 by the Governor upon the occurrence of a public health emergency,
21 as defined in subdivision (c) of Section 130515. Prior to making
22 a declaration, the Governor shall consult with the director and
23 other state and local public health authorities and may consult with
24 any public health expert and other experts as needed. The
25 Governor may declare a state of public health emergency without
26 consulting with the public health authorities or other experts when
27 the situation calls for prompt and timely action.

28 130572. A state of public health emergency shall be declared
29 by an executive order that specifies all of the following:

30 (a) The nature of the public health emergency.

31 (b) The political subdivisions or geographic areas that are
32 subject to the declaration.

33 (c) The conditions that have brought about the public health
34 emergency.

35 (d) The duration of the state of the public health emergency, if
36 less than 30 days.

37 (e) The primary public health authority responding to the
38 emergency.

39 130574. (a) The declaration of a state of public health
40 emergency by the Governor pursuant to this part shall activate the

1 disaster response and recovery aspects of the state, local, and
2 interjurisdictional disaster emergency plans in the affected
3 political subdivisions or areas.

4 (b) The declaration authorizes the deployment and use of any
5 forces to which the disaster emergency plans apply and the use or
6 distribution of any supplies, equipment, materials, and facilities
7 assembled, stockpiled, or available pursuant to this act.

8
9 CHAPTER 2. POWERS

10
11 130580. During a state of public health emergency the
12 Governor may do any of the following:

13 (a) Suspend the provisions of any regulatory statute prescribing
14 procedures for conducting state business, or the orders, or rules
15 and regulations, of any state agency, if strict compliance with those
16 statutes, orders, or rules and regulations would prevent, hinder, or
17 delay action, including emergency purchases by the public health
18 authority, necessary to respond to the public health emergency or
19 would increase the health threat to the population.

20 (b) Utilize all available resources of the state and its political
21 subdivisions, as reasonably necessary to respond to the public
22 health emergency.

23 (c) Transfer the direction, personnel, or functions of state
24 departments and agencies in order to perform or facilitate response
25 and recovery programs regarding the public health emergency.

26 (d) Mobilize all or any part of the organized militia into service
27 of the state. An order directing the organized militia to report for
28 active duty shall state the purpose for which it is mobilized and the
29 objectives to be accomplished.

30 (e) Provide aid to, and seek aid from, other states in accordance
31 with any interstate emergency compact made with the state.

32 (f) Seek aid from the federal government in accordance with
33 federal programs or requirements.

34 130582. The director shall coordinate all matters pertaining to
35 the public health emergency response of the state, consistent with
36 Section 100180. The department shall have primary jurisdiction,
37 responsibility, and authority for all of the following:

38 (a) Planning and executing public health emergency
39 assessment, mitigation, preparedness response, and recovery for
40 the state.

1 (b) Coordinating public health emergency response between
2 state and local authorities.

3 (c) Collaborating with relevant federal governmental
4 authorities, elected officials of other states, and private
5 organizations and companies.

6 (d) Coordinating recovery operations and mitigation initiatives
7 between state and local government authorities subsequent to a
8 public health emergency.

9 (e) Organizing public information activities regarding state
10 public health emergency response operations.

11 130584. Upon the declaration of a state of public health
12 emergency pursuant to this act, special identification for all public
13 health personnel working during the emergency shall be issued as
14 soon as possible. The identification shall indicate the authority of
15 the bearer to exercise public health functions and emergency
16 powers during the state of public health emergency. Public health
17 personnel shall wear the identification in plain view.

18 130586. During a state of public health emergency, a public
19 health authority may request assistance in enforcing orders
20 pursuant to this act from a public safety authority. The public
21 safety authority may request assistance from the organized militia
22 in enforcing the orders of a public health authority.

23 130588. A public health authority may promulgate and
24 implement any rules and regulations that are reasonable and
25 necessary to implement and effectuate this act. A public health
26 authority may enforce this act through the imposition of fines and
27 penalties, the issuance of orders, and other remedies as are
28 provided by law. Nothing in this section shall limit specific
29 enforcement powers enumerated in this act.

30
31 CHAPTER 3. TERMINATION
32

33 130592. The Governor shall terminate the state of public
34 health emergency by executive order upon finding that the
35 occurrence of an illness or health condition that caused the
36 emergency no longer poses a high probability of a large number
37 of deaths in the affected population, a large number of incidents of
38 serious permanent or long-term disability in the affected
39 population, or a significant risk of substantial future harm to a
40 large number of people in the affected population.

1 130594. Notwithstanding any other provision of this act, a
2 state of public health emergency shall be terminated automatically
3 30 days after its declaration unless renewed by the Governor under
4 the same standards and procedures set forth in this part for a
5 declaration of a state of public health emergency. This renewal
6 shall be terminated automatically after 30 days unless renewed by
7 the Governor under the same standards and procedures set forth in
8 this part for a declaration of a state of public health emergency.

9 130596. The Legislature, pursuant to a bill enacted by a
10 majority vote of each house, may terminate a state of public health
11 emergency after 60 days from the date of the original declaration
12 upon finding that the occurrence of an illness or health condition
13 that caused the emergency does not or no longer poses a high
14 probability of a large number of deaths in the affected population,
15 a large number of incidents of serious permanent or long-term
16 disability in the affected population, or a significant risk of
17 substantial future harm to a large number of people in the affected
18 population. This termination by the Legislature shall override any
19 renewal by the Governor.

20 130598. A statute terminating a state of public health
21 emergency shall indicate the nature of the emergency, the area or
22 areas threatened, and the conditions that make possible the
23 termination of the state of public health emergency.

24
25 PART 3. SPECIAL POWERS DURING A STATE OF
26 PUBLIC HEALTH EMERGENCY

27
28 CHAPTER 1. CONTROL OF PROPERTY

29
30 Article 1. Facilities, Materials, Roads, and Public Areas

31
32 130602. A public health authority, during a state of public
33 health emergency declared pursuant to this act, may do all of the
34 following concerning facilities and materials:

35 (a) Close, direct and compel the evacuation of, or
36 decontaminate or cause to be decontaminated any facility if there
37 is reasonable cause to believe that it may endanger the public
38 health.

(b) Decontaminate, cause to be decontaminated, or destroy any material if there is reasonable cause to believe that it may endanger the public health.

130604. A public health authority, during a state of public health emergency declared pursuant to this act, may do all of the following concerning facilities, materials, roads, and public areas:

(a) Procure, by condemnation or otherwise, construct, lease, transport, store, maintain, renovate, or distribute materials and facilities as may be reasonable and necessary to respond to the public health emergency, with the right to take immediate possession of the materials and facilities. The materials and facilities may include, but are not limited to, communication devices, carriers, real estate, fuel, food, and clothing.

(b) Request a health care facility to provide services or the use of its facility if the services or use are reasonable and necessary to respond to the public health emergency. The use of the health care facility may include, but is not limited to, the transfer of the management and supervision of the health care facility to a public health authority for a limited or unlimited period of time, which shall not exceed the date on which the state of public health emergency is terminated.

(c) Inspect, control, restrict, and regulate by rationing and using quotas, prohibitions on shipments, allocation, or other means, the use, sale, dispensing, distribution, or transportation of food, fuel, clothing and other commodities, as may be reasonable and necessary to respond to the public health emergency.

(d) Prescribe routes, modes of transportation, and destinations in connection with the evacuation of persons or the provision of emergency services.

(e) Control or limit ingress and egress to and from any stricken or threatened public area, the movement of persons within the area, and the occupancy of premises within the area if that control is reasonable and necessary to respond to the public health emergency.

Article 2. Infectious Waste

130608. A public health authority, during a state of public health emergency declared pursuant to this act, may do all of the following concerning the safe disposal of infectious waste:

1 (a) Adopt and enforce measures to provide for the safe disposal
2 of infectious waste as may be reasonable and necessary to respond
3 to the public health emergency. These measures may include, but
4 are not limited to, the collection, storage, handling, destruction,
5 treatment, transportation, and disposal of infectious waste.

6 (b) Require, as a condition of licensure or the authority to
7 operate or continue to do business in the state as a business or
8 facility, any business or facility authorized to collect, store, handle,
9 destroy, treat, transport, and dispose of infectious waste under the
10 laws of this state, and any landfill business or other similar
11 property, to accept infectious waste or provide services or the use
12 of the business, facility, or property if this requirement is
13 reasonable and necessary to respond to the public health
14 emergency. The use of the business or facility may include, but is
15 not limited to, the transfer of the management and supervision of
16 the business or facility to a public health authority for a limited or
17 unlimited period of time, which shall not exceed the date on which
18 the state of public health emergency is terminated.

19 (c) Procure, by condemnation or otherwise, any business or
20 facility authorized to collect, store, handle, destroy, treat,
21 transport, and dispose of infectious waste under the laws of the
22 state, and any landfill business or other similar property, as may be
23 reasonable and necessary to respond to the public health
24 emergency, with the right to take immediate possession of the
25 business, facility, or property.

26 130610. For purposes of all activities conducted pursuant to
27 this article, all bags, boxes, or other containers for infectious waste
28 shall be clearly identified as containing infectious waste, including
29 the type of infectious waste, if known.

30
31 Article 3. Human Remains
32

33 130614. A public health authority, during a state of public
34 health emergency declared pursuant to this act, may do all of the
35 following concerning the safe disposal of human remains:

36 (a) Adopt and enforce measures to provide for the safe disposal
37 of human remains as may be reasonable and necessary to respond
38 to the public health emergency. These measures may include, but
39 are not limited to, the embalming, burial, cremation, interment,
40 disinterment, transportation, and disposal of human remains.

1 (b) Take possession or control of any human remains.

2 (c) Order the disposal through burial or cremation, within 24
3 hours after death, of any human remains of a person who has died
4 of a communicable disease that may be the cause of a public health
5 emergency. To the extent possible, religious, cultural, family, and
6 individual beliefs of the deceased person or his or her family shall
7 be considered when disposing of any human remains.

8 (d) Require, as a condition of licensure or the authority to
9 operate or continue to do business in the state as a business or
10 facility, any business or facility authorized to embalm, bury,
11 cremate, inter, disinter, transport, or dispose of human remains
12 under the laws of this state to accept human remains or provide the
13 use of the business or facility and associated personnel if this
14 requirement is reasonable and necessary to respond to the public
15 health emergency. The use of the business or facility may include,
16 but is not limited to, the transfer of the management and
17 supervision of the business or facility to a public health authority
18 for a limited or unlimited period of time, which shall not exceed
19 the date on which the state of public health emergency is
20 terminated.

21 (e) Procure, by condemnation or otherwise, any business or
22 facility authorized to embalm, bury, cremate, inter, disinter,
23 transport, and dispose of human remains under the laws of the state
24 as may be reasonable and necessary to respond to the public health
25 emergency, with the right to take immediate possession of the
26 business or facility.

27 130616. Prior to the disposal of human remains pursuant to
28 this article, the human remains shall be clearly labeled with all
29 available information to identify the decedent and the
30 circumstances of death. Any human remains of a deceased person
31 that are contaminated with a communicable disease that may be the
32 cause of a public health emergency shall have an external and
33 clearly visible tag indicating that the human remains are infected
34 and, if known, the communicable disease.

35 130618. Every person in charge of disposing of any human
36 remains pursuant to this article shall maintain a written or
37 electronic record of all human remains and all available
38 information to identify the decedent and the circumstances of
39 death and disposal. If human remains cannot be identified prior to
40 disposal, a qualified person, to the extent possible, shall take



1 fingerprints and one or more photographs of the human remains
2 and collect a DNA specimen. All information gathered under this
3 section shall be promptly forwarded to the state and local public
4 health authorities.

5
6 Article 4. Health Care Supplies
7

8 130622. A public health authority may purchase and
9 distribute antitoxins, serums, vaccines, immunizing agents,
10 antibiotics, and other pharmaceutical agents or medical supplies
11 that it deems advisable in the interest of preparing for or
12 controlling a public health emergency, without any additional
13 legislative authorization.

14 130624. (a) If a state of public health emergency results in a
15 statewide or regional shortage or threatened shortage of any
16 product covered by Section 130622, whether or not the product has
17 been purchased by a public health authority, a public health
18 authority may control, restrict, or regulate by rationing and using
19 quotas, prohibitions on shipments, allocation, or other means, the
20 use, sale, dispensing, distribution, or transportation of the relevant
21 product necessary to protect the health, safety, and welfare of the
22 people of the state.

23 (b) In making rationing or other supply and distribution
24 decisions, a public health authority may give preference to health
25 care providers, disaster response personnel, public safety
26 personnel, and mortuary staff.

27 130626. During a state of public health emergency, a public
28 health authority may procure, store, or distribute any antitoxins,
29 serums, vaccines, immunizing agents, antibiotics, and other
30 pharmaceutical agents or medical supplies located within the state
31 as may be reasonable and necessary to respond to the public health
32 emergency, with the right to take immediate possession of the
33 pharmaceutical agents or medical supplies. If a public health
34 emergency simultaneously affects more than one state, nothing in
35 this section shall be construed to allow the public health authority
36 to obtain antitoxins, serums, vaccines, immunizing agents,
37 antibiotics, and other pharmaceutical agents or medical supplies
38 for the primary purpose of hoarding those items or preventing their
39 fair and equitable distribution among affected states.
40

Article 5. Compensation

130630. (a) The state shall pay just compensation to the owner of any facilities or materials that are lawfully taken or appropriated by a public health authority for its temporary or permanent use under this chapter according to the procedures and standards set forth in Chapter 4 (commencing with Section 130716) of Part 4.

(b) The state shall pay just compensation to any person who can demonstrate lost wages as a result of providing services, facilities, or materials as required under this chapter.

130632. Compensation may not be provided for facilities or materials that are closed, evacuated, decontaminated, or destroyed pursuant to Section 130602 when there is reasonable cause to believe that the facilities or materials may endanger the public health as specified in Section 130602.

Article 6. Destruction of Property

130636. To the extent practicable consistent with the protection of public health, prior to the destruction of any property under this chapter, a public health authority shall institute appropriate civil proceedings against the property to be destroyed in accordance with the existing laws and court rules or any rules that may be developed by the courts for use during a state of public health emergency. Any property acquired by the public health authority through those civil proceedings, after entry of the decree, shall be disposed of by destruction as the court may direct.

CHAPTER 2. PROTECTION OF PERSONS

Article 1. Medical Examination and Testing

130640. (a) During a declared state of public health emergency, public health authorities shall use every available means to prevent the transmission of communicable disease and to ensure that all cases of communicable disease are subject to proper control and treatment.

(b) During a declared state of public health emergency, each local health officer shall use every available means to ascertain the

1 existence of, and immediately investigate all reported or suspected
2 cases of, communicable disease that may be a potential cause of
3 a public health emergency, and to ascertain the sources of the
4 infections. The local health officer may issue any orders he or she
5 deems necessary to protect the public health or the health of any
6 other person and may make application to a court for the
7 enforcement of the orders.

8 130642. (a) A public health authority, or any local health
9 officer, or his or her designee, during a state of public health
10 emergency declared pursuant to this act, may perform, or cause to
11 be performed, medical examinations and testing as necessary for
12 the diagnosis or treatment of individuals.

13 (b) The following shall apply to a medical examination,
14 testing, or both authorized by subdivision (a):

15 (1) It may be performed by any qualified person authorized by
16 the public health authority within that person's lawful scope of
17 practice or under the provisions of a mutual aid or reciprocity
18 contract.

19 (2) It shall conform to accepted standards of medical practice.

20 (3) The public health authority may isolate or quarantine,
21 pursuant to Article 3 (commencing with Section 130652), any
22 person whose refusal to undergo a medical examination or test
23 pursuant to this section results in uncertainty regarding whether he
24 or she has been exposed to or is infected with a communicable or
25 possibly communicable disease or otherwise poses a danger to
26 public health.

27
28 Article 2. Vaccination and Treatment
29

30 130646. (a) A public health authority, during a state of public
31 health emergency declared under this act, may vaccinate or cause
32 to be vaccinated persons as protection against infectious disease
33 and to prevent the spread of communicable or possibly
34 communicable disease.

35 (b) The following shall apply to a vaccination authorized by
36 subdivision (a):

37 (1) It may be performed by any qualified person authorized by
38 the public health authority within that person's lawful scope of
39 practice or under the provisions of a mutual aid or reciprocity
40 contract.

(2) It shall conform to accepted standards of medical practice.

(3) To prevent the spread of communicable or possibly communicable disease, the public health authority may isolate or quarantine, pursuant to Article 3 (commencing with Section 130652), any person who is unable or unwilling for reasons of health, religion, or conscience to undergo vaccination pursuant to this section.

130648. (a) A public health authority, during a state of public health emergency declared under this act, may treat, or cause to be treated, persons exposed to or infected with disease.

(b) The following shall apply to treatment authorized by subdivision (a):

(1) It may be performed by any qualified person authorized by the public health authority within that person's lawful scope of practice or under the provisions of a mutual aid or reciprocity contract.

(2) It shall conform to accepted standards of medical practice.

(3) To prevent the spread of communicable or possibly communicable disease, the public health authority may isolate or quarantine, pursuant to Article 3 (commencing with Section 130652), any person who is unable or unwilling for reasons of health, religion, or conscience to undergo treatment pursuant to subdivision (a).

Article 3. Isolation and Quarantine

130652. (a) A public health authority, during a state of public health emergency declared under this act, may do all of the following concerning isolation and quarantine:

(1) Isolate, consistent with subdivision (c) of Section 130508, or quarantine, consistent with Section 130516, an individual or group of individuals, including, but not limited to, the isolation or quarantine of individuals or groups of individuals who have not been examined, tested, vaccinated, or treated pursuant to this chapter.

(2) Establish and maintain places of isolation and quarantine.

(3) Establish rules and regulations and make orders for purposes of this article.

1 (b) The failure of any person to comply with this article or any
2 rules, regulations, or orders made pursuant to paragraph (3) of
3 subdivision (a) for purposes of this article is a misdemeanor.

4 130654. A public health authority shall adhere to all of the
5 following conditions and principles when isolating or
6 quarantining individuals or a group of individuals:

7 (a) The isolation or quarantine shall be by the least restrictive
8 means necessary to prevent the spread of a communicable or
9 possibly communicable disease to others and may include, but is
10 not limited to, confinement to private homes, other private
11 premises, or public premises.

12 (b) Isolated individuals shall be confined separately from
13 quarantined individuals.

14 (c) The health status of isolated or quarantined individuals shall
15 be monitored regularly to determine if they require isolation or
16 quarantine.

17 (d) If a quarantined individual subsequently becomes infected
18 or is reasonably believed to have become infected with a
19 communicable or possibly communicable disease, he or she shall
20 be promptly removed to isolation.

21 (e) Isolated or quarantined individuals shall be immediately
22 released when they pose no substantial risk of transmitting a
23 communicable or possibly communicable disease to others.

24 (f) The needs of individuals isolated or quarantined shall be
25 addressed in a systemic and competent fashion, including, but not
26 limited to, providing adequate food, clothing, shelter, means of
27 communicating with those in and outside of isolation or
28 quarantine, medication, and competent medical care.

29 (g) The premises used for isolation or quarantine shall be
30 maintained in a safe and hygienic manner and be designed to
31 minimize the likelihood of further transmission of infection or
32 other harms to persons isolated and quarantined.

33 (h) To the extent possible, cultural and religious beliefs shall be
34 considered in addressing the needs of individuals in, and
35 establishing and maintaining, isolation or quarantine premises.

36 130656. A person subject to isolation or quarantine under this
37 article may not go beyond the isolation or quarantine premises.
38 The failure to comply with this requirement is subject to criminal
39 penalty as provided in subdivision (b) of Section 130652.

1 130658. (a) A public health authority may authorize
2 physicians, health care workers, or others access to individuals in
3 isolation or quarantine as necessary to meet the needs of isolated
4 or quarantined individuals.

5 (b) No person, other than a person authorized by a public health
6 authority, shall enter isolation or quarantine premises. The failure
7 to comply with this requirement is subject to criminal penalty as
8 provided in subdivision (b) of Section 130652.

9 (c) Any person entering an isolation or quarantine premises
10 with or without authorization of the public health authority may be
11 isolated or quarantined pursuant to this article.

12 130660. (a) If the temporary isolation or quarantine of an
13 individual or group of individuals is undertaken without notice, it
14 shall comply with this section.

15 (b) A public health authority may temporarily isolate or
16 quarantine an individual or group of individuals, without notice,
17 through a written directive, if delay in imposing the isolation or
18 quarantine would significantly jeopardize the public health
19 authority's ability to prevent or limit the transmission of a
20 communicable or possibly communicable disease to others.

21 (c) The written directive shall include all of the following:

22 (1) The identity of the individual, individuals, or group of
23 individuals subject to isolation or quarantine.

24 (2) The premises subject to isolation or quarantine.

25 (3) The date and time at which isolation or quarantine
26 commences.

27 (4) The suspected communicable disease, if known.

28 (5) A copy of this chapter and the relevant definitions of this
29 division.

30 (d) A copy of the written directive shall be given to the
31 individual to be isolated or quarantined or, if the order applies to
32 a group of individuals and it is impractical to provide individual
33 copies, it may be posted in a conspicuous place in the isolation or
34 quarantine premises.

35 (e) Within 10 days after issuing the written directive, the public
36 health authority shall file a petition pursuant to Section 130662 for
37 a court order authorizing the continued isolation or quarantine of
38 the isolated or quarantined individual or group of individuals.

39 130662. (a) A public health authority may make a written
40 petition to the trial court, as defined in subdivision (b) of Section

1 130519, for an order authorizing the isolation or quarantine of an
2 individual or group of individuals.

3 (b) (1) A petition under subdivision (a) shall include all of the
4 following:

5 (A) The identity of the individual, individuals, or group of
6 individuals subject to isolation or quarantine.

7 (B) The premises subject to isolation or quarantine.

8 (C) The date and time at which isolation or quarantine
9 commences.

10 (D) The suspected communicable disease, if known.

11 (E) A statement of compliance with the conditions and
12 principles for isolation and quarantine specified in Section
13 130654.

14 (F) A statement of the basis upon which isolation or quarantine
15 is justified in compliance with this article.

16 (2) The petition shall be accompanied by the sworn affidavit of
17 the public health authority attesting to the facts asserted in the
18 petition, together with any further information that may be
19 relevant and material to the court's consideration.

20 (c) Notice to the individual or group of individuals identified
21 in the petition shall be provided within 24 hours in accordance with
22 any applicable procedure authorized by Chapter 5 (commencing
23 with Section 1010) of Title 14 of Part 1 of the Code of Civil
24 Procedure.

25 (d) A hearing shall be held on any petition filed pursuant to this
26 section within five days of the filing of the petition. In
27 extraordinary circumstances and for good cause shown, the public
28 health authority may apply to continue the hearing date on a
29 petition filed pursuant to this section for up to 10 days, which
30 continuance the court may grant in its discretion giving due regard
31 to the rights of the affected individuals, the protection of the
32 public's health, the severity of the emergency, and the availability
33 of necessary witnesses and evidence.

34 (e) (1) The court shall grant the petition if, by a preponderance
35 of the evidence, isolation or quarantine is shown to be reasonably
36 necessary to prevent or limit the transmission of a communicable
37 or possibly communicable disease to others.

38 (2) An order authorizing isolation or quarantine may do so for
39 a period not to exceed 30 days.

40 (3) The order shall do all of the following:

1 (A) Identify the isolated or quarantined individual or group of
2 individuals by name or shared or similar characteristics or
3 circumstances.

4 (B) Specify factual findings warranting isolation or quarantine
5 pursuant to this act.

6 (C) Include any conditions necessary to ensure that isolation or
7 quarantine is carried out within the stated purposes and restrictions
8 of this act.

9 (D) Be served on an affected individual or group of individuals
10 in accordance with the applicable procedures authorized by
11 Chapter 5 (commencing with Section 1010) of Title 14 of Part 1
12 of the Code of Civil Procedure.

13 (f) Prior to the expiration of an order issued pursuant to
14 subdivision (e), the public health authority may move to continue
15 isolation or quarantine for additional periods not to exceed 30 days
16 each. The court shall consider the motion in accordance with the
17 standards set forth in subdivision (e).

18 130664. (a) An individual or group of individuals isolated or
19 quarantined pursuant to this act may apply to the trial court for an
20 order to show cause why the individual or group of individuals
21 should not be released. The court shall rule on the application for
22 an order to show cause within 48 hours of its filing. If the court
23 grants the application, the court shall schedule a hearing on the
24 order to show cause within 24 hours from issuance of the order to
25 show cause. The issuance of an order to show cause may not stay
26 or enjoin an isolation or quarantine order.

27 (b) (1) An individual or group of individuals isolated or
28 quarantined pursuant to this act may request a hearing in the trial
29 court for remedies regarding breaches to the conditions of
30 isolation or quarantine. A request for a hearing may not stay or
31 enjoin an isolation or quarantine order.

32 (2) Upon receipt of a request under this subdivision that alleges
33 extraordinary circumstances justifying the immediate granting of
34 relief, the court shall fix a date for hearing on the matters alleged
35 not more than 24 hours from receipt of the request.

36 (3) In cases other than those to which paragraph (2) applies,
37 upon receipt of a request under this subdivision, the court shall fix
38 a date for hearing on the matters alleged within five days from
39 receipt of request.



1 (c) In any proceedings brought for relief under this section, in
2 extraordinary circumstances and for good cause shown, the public
3 health authority may move the court to extend the time for a
4 hearing, which extension the court, in its discretion, may grant,
5 giving due regard to the rights of the affected individuals, the
6 protection of the public's health, the severity of the emergency, and
7 the availability of necessary witnesses and evidence.

8 (d) A record of the proceedings brought pursuant to this section
9 shall be made and retained. In the event that, given a state of public
10 health emergency, parties cannot personally appear before the
11 court, proceedings may be conducted by their authorized
12 representatives and be held via any means that allows all parties to
13 fully participate.

14 130666. (a) The court shall appoint counsel at state expense
15 to represent an individual or a group of individuals who are, or who
16 are about to be, isolated or quarantined pursuant to this division
17 and who are not otherwise represented by counsel. Appointments
18 shall be made in accordance with the procedures to be specified in
19 the Public Health Emergency Plan prepared pursuant to Section
20 130532, and shall last throughout the duration of the isolation or
21 quarantine of the individual or group of individuals. The public
22 health authority shall provide adequate means of communication
23 between an individual or group of individuals and their counsel.

24 (b) In any proceedings brought pursuant to this section, to
25 promote the fair and efficient operation of justice and having given
26 due regard to the rights of the affected individuals, the protection
27 of the public's health, the severity of the emergency, and the
28 availability of necessary witnesses and evidence, the court may
29 order the consolidation of individual claims into group claims, if
30 all of the following conditions exist:

31 (1) The number of individuals involved or to be affected is so
32 large that individual participation is impractical.

33 (2) There are questions of law or fact common to the individual
34 claims or rights to be determined.

35 (3) The group claims or rights to be determined are typical of
36 the affected individuals' claims or rights.

37 (4) The entire group will be adequately represented in the
38 consolidation.
39

Article 4. Collection of Laboratory Specimens

130670. (a) A public health authority, during a state of public health emergency declared pursuant to this act, in addition to performing tests on a living person as provided in Article 1 (commencing with Section 130640), may collect specimens of a deceased person, or a living or deceased animal, and acquire any previously collected specimen or test results that are reasonable and necessary to respond to a public health emergency.

(b) A specimen collected pursuant to this section shall be clearly marked.

(c) Specimen collection, handling, storage, and transport to the testing site shall be performed in a manner that will reasonably preclude specimen contamination or adulteration and provide for the safe collection, storage, handling, and transport of the specimen.

(d) Any person authorized to collect specimens or perform tests pursuant to this chapter shall use chain of custody procedures to ensure proper recordkeeping, handling, labeling, and identification of specimens to be tested. This requirement shall apply to all specimens, including specimens collected using onsite testing kits.

(e) Recognizing that during a state of public health emergency any specimen collected or test performed may be evidence in a criminal investigation, any business, facility, or agency authorized to collect specimens or perform tests shall provide all support as is reasonable and necessary to aid in a relevant criminal investigation.

CHAPTER 3. ACCESS TO AND DISCLOSURE OF PROTECTED
HEALTH INFORMATION

130674. Access to protected health information of individuals who have participated in medical testing, treatment, vaccination, isolation, or quarantine programs or other efforts by a public health authority during a public health emergency shall be limited to those persons having a legitimate need to acquire or use the information for one or more of the following purposes:

(a) To provide treatment to the individual who is the subject of the health information.

1 (b) To conduct epidemiologic research.

2 (c) To investigate the causes of transmission.

3 130676. Protected health information held by a public health
4 authority may not be disclosed without the written specific
5 informed consent of the individual who is the subject of the
6 information, except for disclosures made as follows:

7 (a) Directly to the individual who is the subject of the
8 information.

9 (b) To the individual's immediate family members or personal
10 representative, to the extent authorized by law.

11 (c) To appropriate local, state, or federal agencies or authorities
12 pursuant to state or federal law.

13 (d) Pursuant to a court order to avert a clear danger to an
14 individual or the public health.

15 (e) To identify a deceased individual or determine the manner
16 or cause of death.

17 (f) To appropriate infection control practitioners, physician
18 and surgeons, nurses, laboratory personnel, or others as necessary
19 to prevent the spread of communicable disease as provided under
20 Section 120140 or 120175.

21
22 CHAPTER 4. LICENSING OF HEALTH PERSONNEL
23

24 130680. A public health authority, during a state of public
25 health emergency declared pursuant to this act, may request
26 in-state health care providers to assist in the performance of
27 vaccination, treatment, examination, or testing of any individual.

28 130682. (a) A public health authority, during a state of public
29 health emergency declared pursuant to this act, may appoint and
30 prescribe the duties of out-of-state emergency health care
31 providers, consistent with any mutual aid and reciprocity contracts
32 entered into pursuant to paragraph (9) of subdivision (a) of Section
33 130532, as may be reasonable and necessary to respond to the
34 public health emergency.

35 (b) The appointment of out-of-state emergency health care
36 providers pursuant to this section may be for a limited or unlimited
37 time, but shall not exceed the date on which the state of public
38 health emergency is terminated. The public health authority may
39 terminate the out-of-state appointments at any time or for any

1 reason if the termination will not jeopardize the health, safety, and
2 welfare of the people of this state.

3 (c) For purposes of appointments made pursuant to this section,
4 the public health authority may waive any licensing requirements,
5 permits, or fees required by statute and applicable rules or
6 regulations for health care providers from other jurisdictions who
7 wish to practice in this state.

8 (d) Any out-of-state emergency health care provider appointed
9 and acting pursuant to this section shall not be civilly liable for the
10 death of, or any injury to, persons, or damage to property as a result
11 of providing medical care or treatment related to an emergency
12 response during a public health emergency, except in the event of
13 gross negligence or willful misconduct.

14 130684. (a) A public health authority, during a state of public
15 health emergency declared pursuant to this act, may authorize a
16 medical examiner or coroner to appoint, and prescribe the duties
17 of, emergency assistant medical examiners or coroners as may be
18 required for the proper performance of the duties of the office.

19 (b) The appointment of emergency assistant medical
20 examiners or coroners pursuant to this section may be for a limited
21 or unlimited time, but shall not exceed the date on which the state
22 of public health emergency is terminated. The medical examiner
23 or coroner may terminate the emergency appointments at any time
24 or for any reason if the termination will not impede the
25 performance of the duties of the office.

26 (c) For purposes of appointments made pursuant to this section,
27 the medical examiner or coroner may waive any licensing
28 requirements, permits, or fees required by statute and applicable
29 rules or regulations for the performance of the duties of assistant
30 medical examiners or coroners.

31 (d) Any emergency assistant medical examiner or coroner who
32 is appointed pursuant to this section and acting without malice and
33 within the scope of his or her prescribed duties shall be immune
34 from civil liability in the performance of those duties.

35



PART 4. MISCELLANEOUS

CHAPTER 1. PUBLIC INFORMATION DURING A STATE OF PUBLIC
HEALTH EMERGENCY

130688. (a) The public health authority shall inform the people of the state when a state of public health emergency has been declared or terminated and regarding how to protect themselves and what actions are being taken to control the emergency.

(b) The public health authority shall provide information by all available and reasonable means calculated to bring the information promptly to the attention of the general public.

(c) If the public health authority has reason to believe there are people of the state who lack sufficient skills in English to understand the information provided pursuant to this section, the public health authority shall make reasonable efforts to provide the information in the primary language of those people as well as in English.

(d) The provision of information shall be made in a manner accessible to individuals with disabilities.

130690. During and after a state of public health emergency, the public health authority shall provide information about, and referrals to, mental health support personnel to address psychological responses to the public health emergency.

CHAPTER 2. FINANCING AND EXPENSES

130694. The Governor may transfer, from any fund available to the Governor in the State Treasury, those sums that may be necessary to meet a state of public health emergency declared pursuant to this act. Any money transferred pursuant to this section shall be repaid to the fund from which the money was transferred when money becomes available for that purpose, by legislative appropriation or otherwise.

130696. The Governor may transfer funds pursuant to Section 130694 only if one or more of the following conditions exist:

(a) No appropriation or other authorization is available to meet the public health emergency.

1 (b) An available appropriation is insufficient to meet the public
2 health emergency.

3 (c) Federal money available for the public health emergency
4 requires the use of state or other public money.

5 130698. All expenses incurred by the state during a state of
6 public health emergency shall be subject to the following
7 limitations:

8 (a) No expense shall be incurred against the money authorized
9 under this section without the approval of the Governor.

10 (b) Money authorized for a state of public health emergency in
11 prior fiscal years may be used in subsequent fiscal years only for
12 the public health emergency for which the money was authorized.

13
14 CHAPTER 3. LIABILITY
15

16 130702. The state and its political subdivisions, and except in
17 cases of gross negligence or willful misconduct, the Governor, a
18 public health officer, and any other state or local official referred
19 to in this act, shall not be liable for the death of, or any injury to,
20 persons, or damage to property as a result of complying with or
21 attempting to comply with this act or any rule or regulation
22 adopted pursuant to this act.

23 130704. During a state of public health emergency, any
24 person owning or controlling real estate or other premises who
25 voluntarily and without compensation grants a license or
26 privilege, or otherwise permits the designation or use of the whole
27 or any part or parts of the real estate or premises for the purpose
28 of sheltering persons, together with that person's successors in
29 interest, if any, shall not be civilly liable for negligently causing
30 the death of, or injury to, any person on or about the real estate or
31 premises under the license, privilege, or other permission, or for
32 negligently causing loss of, or damage to, the property of the
33 person.

34 130706. During a state of public health emergency, any
35 private person, firm, or corporation, and employees and agents of
36 the person, firm, or corporation in the performance of a contract
37 with, and under the direction of, the state or its political
38 subdivisions under the provisions of this act shall not be civilly
39 liable for causing the death of, or injury to, any person or damage

1 to any property except in the event of gross negligence or willful
2 misconduct.

3 130708. During a state of public health emergency, any
4 private person, firm, or corporation, and employees and agents of
5 the person, firm, or corporation, who renders assistance or advice
6 at the request of the state or its political subdivisions under the
7 provisions of this act shall not be civilly liable for causing the death
8 of, or injury to, any person or damage to any property except in the
9 event of gross negligence or willful misconduct.

10 130710. The immunities provided in this chapter shall not
11 apply to any private person, firm, or corporation, or to the
12 employees and agents of the person, firm, or corporation, whose
13 act or omission caused in whole or in part the public health
14 emergency and who would otherwise be liable for the act or
15 omission.

16 130712. During a state of public health emergency, a health
17 care provider shall not be civilly liable for the death of, or any
18 injury to, persons or damage to property as a result of providing
19 health care services, assistance, or advice related to a public health
20 emergency pursuant to this act, except in the event of gross
21 negligence or willful misconduct.

22
23 CHAPTER 4. COMPENSATION
24

25 130716. Compensation for property shall be made only if
26 private property is lawfully taken or appropriated by a public
27 health authority for its temporary or permanent use during a state
28 of public health emergency declared by the Governor pursuant to
29 this act.

30 130718. Any action against the state with regard to the
31 payment of compensation shall be brought in the courts of this
32 state in accordance with existing court laws and rules, or any rules
33 that may be developed by the courts for use during a state of public
34 health emergency.

35 130720. The amount of the compensation shall be calculated
36 in the same manner as compensation due for taking of property
37 pursuant to nonemergency eminent domain proceedings as
38 provided in Title 7 (commencing with Section 1230.010) of Part
39 3 of the Code of Civil Procedure.

CHAPTER 5. MISCELLANEOUS

130724. The provisions of this division are severable. If any provision of this division or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

130726. This division does not preempt other laws or regulations that preserve to a greater degree the powers of the Governor or the public health authority if the laws or regulations are consistent with this division and do not otherwise restrict or interfere with the operation or enforcement of this division.

130728. (a) During a state of public health emergency declared pursuant to Part 2 (commencing with Section 130602), in the event of a conflict between this division and other laws or regulations or local ordinances concerning public health powers, the provisions of this division shall prevail.

(b) At any time, including during a state of public health emergency declared pursuant to Part 2 (commencing with Section 130602), in the event of a conflict between the public health emergency planning provisions in Chapter 2 (commencing with Section 130530), the reporting provisions in Chapter 3 (commencing with Section 130540), the tracking provisions in Chapter 4 (commencing with Section 130550), the information sharing provisions in Chapter 5 (commencing with Section 130560), and other laws or regulations or local ordinances concerning public health powers, those provisions of this division specified in this subdivision shall prevail.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made

1 pursuant to Part 7 (commencing with Section 17500) of Division
2 4 of Title 2 of the Government Code. If the statewide cost of the
3 claim for reimbursement does not exceed one million dollars
4 (\$1,000,000), reimbursement shall be made from the State
5 Mandates Claims Fund.

O

